

Sec. 60. Period for storage. No person shall keep in a cold storage plant any article of food for a longer period than twelve (12) calendar months, except with the consent of the department.

Sec. 61. Application for extension of period - order. Upon application the department shall grant permission to extend the period of storage beyond twelve (12) months for a particular consignment of goods, if the goods in question are found upon examination to be in proper condition for further storage at the end of twelve (12) months. The length of time for which further storage is allowed shall be specified in the order granting such permission.

Sec. 62. Report of extensions of storage period. A report on each case in which such extension of storage is permitted, including the reason for such action, the kind and the amount of goods for which the storage period was extended, and the length of time for which the continuance was granted, shall be included in the annual report of the department.

Sec. 63. Notice of sale of cold storage goods. No person shall represent or advertise as fresh goods articles of food which have ^{once} been cold stored, and every person who sells or offers or exposes for sale, uncooked articles of cold storage food shall display at all times in a conspicuous place a placard with only the words "Cold Storage Goods Sold Here" printed in black Roman letters not less than three (3) inches high and two (2) inches wide upon a white card, fifteen (15) by twenty-five (25) inches in dimensions.

Sec. 64. Return of goods to cold storage prohibited. No articles of food which has been cold stored and placed on the market for sale to consumers, shall again be placed in a cold storage plant but transfers of goods from one cold storage plant to another may be made if not for the purpose of evading the provisions of this chapter. The operator of a cold storage plant shall label all goods with the date when stored, which date shall not be removed when goods are removed, and in determining whether goods are "cold stored" the time same have been stored in different plants shall be added together and the aggregate shall be the time stored and shall be so marked when sold.

Sec. 65. Penalties. Any person violating any of the provisions of this chapter shall be punished for the first offense by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00), and for the second offense by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

Approved April 16, 1924.

CHAPTER 48

ESTRAYS AND TRESPASSING ANIMALS

H. F. 71

AN ACT to amend, revise, and codify chapter twenty-two (22) of title eight (8) and sections thirty-one hundred forty-two (3142) and thirty-one hundred forty-three (3143) of the compiled code of Iowa, and sections thirty-one hundred thirty-nine-a one (3139-a1) to thirty-one hundred thirty-nine-a three (3139-a3), inclusive, thirty-one hundred thirty-nine-a three-a (3139-a3a), thirty-one hundred thirty-nine-a four (3139-a4) to thirty-one hundred thirty-nine-a four-teen (3139-a14), inclusive, and thirty-one hundred forty (3140) of the supplement to said code, relating to neglected, disabled, and abandoned animals, animals running at large, estrays, dogs and the responsibility therefor, the licensing of dogs, the rights and duties resulting from such licensing or failure to license, and the payment of claims for damages done by dogs and wolves.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter twenty-two (22) of title eight (8) and sections thirty-one hundred forty-two (3142) and thirty-one hundred forty-three (3143) of the compiled Code of Iowa, and sections thirty-one hundred thirty-nine-a one (3139-a1) to thirty-one hundred thirty-nine-a three (3139-a3), inclusive, thirty-one hundred thirty-nine-a three-a (3139-a3a), thirty-one hundred thirty-nine-a four (3139-a4) to thirty-one hundred thirty-nine-a fourteen (3139-a14), inclusive, and thirty-one hundred forty (3140) of the supplement to said Code are amended, revised, and codified to read as follows:

CHAPTER ____.

ESTRAYS AND TRESPASSING ANIMALS

Section 1. Definition of terms. As used in this chapter:

1. "Owner" when used with reference to animals, means any person in possession or entitled to the present possession thereof, or having care or charge of them, or holding the legal title to them.
2. "Owner" when used with reference to lands, means the person having title thereto, or the lessee or occupant thereof.
3. "Animal" or "animals" when used in this chapter shall include and embrace horses, cattle, swine, sheep, goats, mules and asses.
4. "Estray" shall mean any animal unlawfully running at large, the ownership of which cannot, with reasonable inquiry in the neighborhood, be ascertained, or any animal which has been abandoned by its owner.
5. "Trespassing animals" means those unlawfully upon land, or running at large contrary to law or police regulations.

Sec. 2. Restraint of animals. - All animals shall be restrained by the owners thereof from running at large.

Sec. 3. Trespass on lawfully fenced land. Any animal trespassing upon land, fenced as provided by law, may be distrained by the owner of such land, and held for all damages done thereon by it, unless it escaped from adjoining land in consequence of the neglect of such land owner to maintain his part of a lawful partition fence.

Sec. 4. Neglect to maintain partition fence. The owner of the land from which such animal escaped shall also be liable for such damages if it escaped therefrom in consequence of his neglect to maintain his part of a lawful partition fence, or if the trespassing animal was not lawfully upon his land, and he had knowledge thereof.

Sec. 5. Trespass on unfenced land. If there be no lawful partition fence, and the line thereof has not been assigned either by the fence viewers or by agreement of the parties, any animal trespassing across such partition line shall not be distrained, nor shall there be any liability therefor.

Sec. 6. Trespass on highway. * Animals which are unlawfully running at large on the highway may be distrained by the owner of the adjoining land and held for damages done by them and for the costs provided in this chapter.

Sec. 7. Animals under control. No animal shall be considered as running at large so long as it is under the reasonable care and control of the owner upon the public road for driving or travel thereon.

Sec. 8. Action in lieu of distraint. Instead of distraining trespassing animals, the injured person may recover all damages caused thereby in an action against the owner thereof, and may join therein the owner of the land from which it escaped, if he is liable therefor, and all or any of the different owners of the animals who have not paid their proportion of the damages or costs.

Sec. 9. Action when stock is released or has escaped. If distrained animals escape or are released without the consent of the distraining party, he may recover his damages as above provided, with costs, and the costs of distraint made prior to such escape or release.

Sec. 10. Release on payment of ratable share. If there is more than one (1) owner of distrained animals, each may pay his ratable share of the damages and costs, and release his animals.

Sec. 11. Procedure on distraint. The person distraining animals shall, within twenty-four (24) hours after such distraint, Sunday not included, notify the owner of the animals of such distraint and of the actual amount of damages and costs caused by such animals. If the said owner fails to satisfy such damages and costs within twenty-four (24) hours after such notification, the person distraining shall immediately notify the township trustees and demand that they appear upon the premises where the damages occurred and assess the damages. The trustees shall immediately fix a time for the assessment of such damages and notify the owner of the animal accordingly.

Sec. 14. Appointee in lieu of trustee. If for any reason one (1) or more trustees shall be unable to act, the trustees present shall appoint one (1) or more disinterested citizens in place of such trustees.

Sec. 15. Tender of damages and costs. The owner of the animals may tender to the person suffering damage an amount less than that demanded by claimant, as damages and costs, and if such tender be refused, and the final assessment of damages be no more than such tender, then all costs, and compensation for keeping the animals accruing after such tender, shall be paid by the person distraining the animals.

Sec. 16. Assessment of damages. The trustee, or a majority thereof, shall meet on the premises where the damages occurred at the time fixed and assess the damages and costs and file their written report with the township clerk, who shall record the same. Said assessment shall be final unless appealed from.

Sec. 17. Failure to pay damages - notice of sale. If the owner of the distrained animals neglects for two (2) days after such assessment to pay the amount thereof, the township clerk shall at once post up in three (3) conspicuous places in the township a notice of the time and place at which he will sell said animals, describing them. The place of sale shall be at the place of distraint. The sale shall be between the hours of one (1) and three (3) o'clock p.m. and on a day of not less than five (5) nor more than ten (10) days after the posting.

Sec. 18. Sale. The clerk shall, at the time and place named in said notice, sell the animals at public sale to the highest bidder for cash, but only such number of animals shall be sold as is necessary to satisfy the damages and costs. Animals unsold shall be at once returned to the owner, and also the surplus remaining, if any, out of any sold.

Should the owner of the surplus be unknown the same shall be paid to the county treasurer, who shall give duplicate receipts therefor, one of which shall be filed with the county auditor. The owner of said animal, on filing a claim therefor within twelve (12) months after payment to the treasurer, shall be entitled to receive said surplus from the county.

Sec. 19. Appeal - time - bond - amount. Any person aggrieved by the assessment made by the trustees may appeal to the district court by filing with the township clerk, within four (4) days after the report of the trustees is filed with such clerk, an appeal bond with sureties to be approved by said clerk and conditioned to pay all damages and costs.

Sec. 20. Appeal bonds - amount. Appeal bonds shall be in the following amounts:

1. When the appeal is taken by the person distraining the animals, twice the value of the animals, as fixed by the clerk.
2. When the appeal is taken by the owner of the distrained animals, twice the value of the animals, so fixed, or twice the amount of damages and costs in those cases where the value of the animals exceeds the amount of the damages claimed.

Sec. 21. Appeal by claimant.- effect - avoidance. When an appeal is thus taken by the person distraining such animals the animals shall be held for the satisfaction of such judgment as may be rendered on appeal, except as provided in the next section.

Sec. 22. Release pending appeal. The owner of said animals may secure the release of the same at any time before judgment by filing with the township clerk before the appeal is certified, or with the clerk of the district court thereafter, a bond with sufficient sureties to be approved by the clerk with whom filed, conditioned to pay all damages and costs recovered in said cause on appeal. The clerk receiving such bond shall file the same, and forthwith certify the fact to the person having charge of the distrained animals, who shall thereupon release the same to the owner.

Sec. 23. Appeal by owner - effect. Where the owner appeals and files a bond, as herein provided, it shall operate as a supersedeas, and the distrained animals shall be released to him.

Sec. 24. Transcript - clerk to file. Within five (5) days after the taking of the appeal, the township clerk shall make out a certified transcript of the record of the finding of the trustees, and file the same, together with the notice of appeal, if in writing, and the bond, with the clerk of the district court.

Sec. 25. Escape or release - recapture. If any distrained animal escape, or is unlawfully released, the injured person may recapture the same. If the recapture is effected before the day of sale as already fixed in the notice, the sale shall proceed under such notice. If the recapture is effected after the day of sale has passed, the township clerk shall issue new notices of sale and proceed anew.

Sec. 26. Unlawful release. Any person who releases any animal, distrained as provided in this chapter, without the consent of the person distraining the same, shall be guilty of a misdemeanor.

Sec. 28. Taking up estray. Any resident of a county may take up an estray when the same is on his premises. He may also take up an estray which is upon the premises of any other person when such other person had knowledge that such estray was on his premises and fails for five (5) days to take up such estray.

Sec. 29. Procedure on taking up estray. A person taking up an estray shall, within five (5) days thereafter, post up, for ten (10) days, a written notice in three (3) of the most public places in the township, which notice shall be signed by him and shall embrace:

1. A full description of said animal.
2. The time and place of taking up such estray.

Sec. 30. Proof of service. Immediately after the expiration of said ten (10) days of posting, the person taking up the estray shall, unless such estray has been previously claimed by the owner, file with a justice of the peace in the township in which the estray was taken up, or, in case there is no justice in the township, then with the next nearest justice in the county, his affidavit which shall show:

1. The time and place of taking up such estray.
2. The time and places of posting said notice, together with a copy of said notice.
3. That said animal remains unclaimed.
4. Whether the marks or brands of said animal have been altered to his knowledge, either before or after the same was taken up.

Sec. 31. Justice to record return. The justice shall record such return in his docket and at once forward the same to the county auditor, together with the fees due to such auditor to enable him to perform his duty.

Sec. 32. Record and posting by county auditor. The county auditor shall record the affidavit in the estray book in his office and cause a copy thereof to be posted at the door of the courthouse.

Sec. 33. Publication. The auditor shall cause the affidavit to be published once each week for three (3) weeks in some newspaper in the county.

Sec. 34. Fees and expenses. The person taking up an estray shall pay to the justice of the peace, with whom the affidavit is filed, the legal fees due the said justice, and the legal fees due to the county auditor for entering said affidavit in the estray book, and posting and publishing the same, which amounts, together with the compensation provided by law, shall be refunded to the person taking up such estray by the owner thereof in case the animal is restored to the owner.

Sec. 35. Two or more estrays - procedure. If two (2) or more estrays are taken up at the same time by the same person, they shall be included in one (1) notice and affidavit and but one (1) fee shall be paid therefor, and if fewer than the whole number of animals thus included are restored to the owner, a proportionate amount of such fees and expenses shall be refunded.

Sec. 36. Property vests when. If the estray be not claimed by the owner within six (6) months from the time it is taken up, the property therein shall vest in the taker-up, if he has complied with the provisions of this chapter.

Sec. 37. Recovery by owner. At any time before the property in the estray vests in the person who has taken it up, the owner shall be entitled to recover possession of it on paying to the person who has taken it up:

1. The compensation to which he is entitled by law.
2. The fees and expenses which the taker-up has paid in advance.
3. Any reward which has been offered by the owner.
4. A reasonable allowance for the expenses of keeping such estray, taking into account the use which the person taking up has had of it, which latter allowance shall be made by the court before whom a proceeding to recover the animal shall be brought in the event the owner and the taker-up cannot agree with reference thereto.

Sec. 38. Former owner - rights after vesting of title. At any time within six (6) months after the property in an estray has vested in the taker-up, the former owner shall be entitled to receive from the taker-up, on demand, the value of the estray, not including any increased value which has accrued since it was taken up, after deducting therefrom the compensation, reward, fees, and expenses referred to in the preceding section; or the taker-up may, at his option, elect to surrender the estray, if still in his possession, in which case the owner must pay such compensation, reward, fees, and expenses.

Sec. 39. Lawful use of estray. Any person legally taking up an estray may use or work it, if he does so with care and moderation, and does not abuse or injure it. Estrays adapted thereto may be milked by the taker-up.

Sec. 40. Unlawful use of estray. Any person who unlawfully takes up any estray, or takes up any estray and fails to comply with any of the provisions of this chapter, or uses or works it in any manner contrary to this chapter, or works it before having it appraised, or keeps it out of the county for more than five (5) days at any one (1) time before he acquires a title to it, shall be liable to the owner of the estray for double the amount of any injury to the estray.

Sec. 41. Escape or death of estray - nonliability of taker-up. If any estray, legally taken up, escape from the finder or die without any fault on his part, he shall not be liable for the loss.

Sec. 42. Penalty against finder. If any person shall sell, trade, or take out of the state any estray before the legal title shall have vested in him, he shall forfeit to the owner double its value, and shall also be guilty of a misdemeanor.

Sec. 43. Transfer of estrays. The personal representatives of a taker-up shall succeed to all the rights of such taker-up. The county auditor may authorize the taker-up or his personal representative to transfer an estray to another person who shall take the place of his predecessor.

Sec. 44. Sale of estrays. When an estray has damaged property and is taken up by the owner of such property, such owner, instead of proceeding against said animal as an estray as hereinbefore provided, may proceed against it as provided for the distraint and sale of animals, the ownership of which is known.

Sec. 45. Notice. In cases contemplated by the last preceding section, a notice of the taking up and the amount of the claim for damages shall be served on the unknown owner by two (2) publications of a notice in at least two (2) of the official newspapers of the county, which notice shall:

1. Be signed by the taker-up, with his postoffice address.
2. Be addressed to the unknown owner.
3. Contain a full description of the animal, including all marks or brands thereon.
4. Specify the time and place of the taking up, and the amount of damages and costs claimed.
5. Notify the unknown owner that unless he appears within six (6) months and pays said damages and all legal costs, said taker-up will apply to the township clerk for an assessment of damages caused by said animal and costs, and will take proceedings for the sale of such animal for the payment thereof.

Sec. 46. Assessment of damages and costs. At any time after six (6) months from the date of the last publication, or at any time after the owner appears and fails to pay said damages and costs, the taker-up may apply to the township clerk for an assessment of his damages and costs, and all subsequent proceedings shall be as provided in case of distraint of animals, the ownership of which is known. The legal fees for publishing said notice shall be included in the assessment of costs.

Sec. 47. Owner discovered. Should the taker-up mentioned in the preceding section discover the owner of said animal prior to the expiration of said six (6) months, he shall immediately serve written notice upon such owner of the taking up of said animal and of the amount of his said claim, and unless the owner discharges said claim within twenty-four (24) hours such taker-up shall proceed in the same manner as provided in case of the distraint of animals the ownership of which is known.

Sec. 48. Penalty against officer. Any officer who fails to perform the duties enjoined upon him in this chapter in relation to estrays, shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00).

Sec. 49. Bond to release. Before any property held under this chapter is sold under distraint, or before the title to an estray vests in the taker-up, it may be released at once upon the owner giving to the distrainer or taker-up a bond, with sureties, to be approved by the township clerk, justice of the peace or county auditor, before whom the matter is then pending, conditioned to pay to the holder of the property, within twenty (20) days after such approval, all costs, damages and compensation to which he is entitled. In case the obligee in said bond is compelled to begin action on such bond, the court may tax a reasonable attorney's fee in favor of such obligee.

Sec. 50. Compensation and fees. The compensation for services under this chapter shall be as follows:

1. For distraining all animals except as otherwise provided, fifty cents (50c) for each head not exceeding two (2), and twenty-five cents (25c) for each additional head taken on one (1) distraint.
2. For distraining each stallion, jack, bull, boar or buck, one dollar (\$1.00).
4. For keeping, horses, cattle, mules and asses, fifty cents (50c) a day, from the time the same is taken up.
5. For keeping any other animals, twenty-five cents (25c) a day from the time the same is taken up.
6. For posting notices and selling animals, the same fees as are allowed constables for like services upon execution.
7. For taking up as an estray one (1) head, fifty cents (50c), and twenty-five cents (25c) for each additional head at one (1) time.
8. To the justice of the peace, for all services in each case of taking up estrays, fifty cents (50c).
10. To the county auditor, for all services in each case of estrays, including posting and publishing notice, but not including the fee of the printer, fifty cents (50c).
11. To the township clerk, for posting notices, twenty-five cents (25c), and services not otherwise provided for, the same fees as are allowed in assessing damages done by trespassing animals, with ten cents (10c) mileage each way.
12. To the township clerk, ten cents (10c) per each hundred (100) words entered of record, the same fees for a copy thereof, and in addition twenty-five cents (25c) for his certificate thereto, and fifty cents (50c) for filing and approving any bond.

Sec. 51. Neglected animals. Any person may take charge of any animal when the owner fails to properly take care and provide for it, and may furnish the same with proper care, either on his own premises or on the premises of the owner, and shall have a lien on the animal for the same, and the reasonable value of such care may be collected by him from the said owner.

Sec. 52. Disabled animals killed. The sheriff, constable, police officer, officer of any society for the prevention of cruelty to animals, or any magistrate shall destroy any stray animal disabled and unfit for further use.

CHAPTER
DOGS AND LICENSING THEREOF

Sec. 53. Annual license for dogs. The owners of all dogs three (3) months old or over, except dogs kept in kennels and not allowed to run at large, shall annually obtain license therefor, as herein provided.

Sec. 54. "Owner" defined. The term "owner" shall, in addition to its ordinary meaning, include any person who keeps or harbors a dog.

Sec. 55. Application by owner. The owner of a dog for which a license is required shall, on or before the fifteenth day of January of each year, apply to the auditor of the county in which he resides for a license for each dog owned by him.

Sec. 56. Subsequent application. Such application for license may be made after January fifteenth (15) and at any time for a dog which has come into the possession or ownership of the applicant, or which has reached the age of three (3) months after said date.

Sec. 57. Form of application. Such application shall be in writing on blanks provided by the county auditor and shall state the breed, sex, age, color, markings, and name, if any, of the dog, and address of the owner and be signed by him.

Sec. 58. License fee. The annual license fee shall be one dollar (\$1.00) for each male, and three dollars (3.00) for each female dog. Should it appear that said fees will not produce sufficient funds to pay the claims on the domestic animal fund, the board of supervisors shall have power, except as to dogs owned in cities and towns which exact a license fee on dogs, to increase the said fees to a sum not exceeding three dollars (\$3.00) for each male, and not exceeding five dollars (\$5.00) for each female dog. A spayed female dog shall be deemed a male. Said fee shall be sent with the application.

Sec. 60. License tag. The county auditor shall, upon receipt of said application, deliver or mail to the applicant a license which shall be in the form of a metal tag stamped as follows:

1. The year in which issued.
2. Name of county issuing it.
3. Serial number as shown by the record book in the office of the county auditor.

Sec. 61. Use of tag. Said tag shall be attached by the owner to a substantial collar and, during the term of the license, shall be at all times kept on the dog for which the license is issued. Upon the expiration of the license the owner shall remove said tag from the dog.

Sec. 62. Duration of license. All licenses shall expire on January fifteenth (15th) of the year following the date of issuance.

Sec. 63. Transfer on change of ownership. When the permanent ownership of a dog is transferred, the license may be transferred by the auditor by notation on the license record, giving the name and address of the new owner.

Sec. 64. Transfer on change of residence. When a dog licensed in one county is permanently transferred to another county, the owner shall surrender the original license tag to the auditor of the county to which the dog is removed. The auditor shall preserve the surrendered tag, and, without license fee, issue a new license tag. The auditor shall note on the license record the fact that the newly issued license tag is issued to effect a transfer of, and is in lieu of, such surrendered license tag.

Sec. 65. Fee on transfer. The auditor, on making any transfer, shall collect a fee of twenty-five (25) cents.

Sec. 66. Tag not transferable. A license tag issued for one dog shall not be transferable to another dog.

Sec. 67. Duplicate license tag. Upon the filing of an affidavit that the license tag has been lost or destroyed, the owner may obtain another tag on the payment of twenty-five (25) cents. The auditor shall enter in the license record the new number assigned.

Sec. 68. Assessors to list dogs. Each assessor shall, at the time of listing property for assessment, list and return to the county auditor the names of all persons who own or harbor dogs, and indicate on such list whether the dogs be male, female, or spayed, and the number thereof. For such service the assessor shall receive, from the domestic animal fund, and in addition to any and all other fees or compensation allowed to him by law, the sum of ten (10) cents for each dog reported, which fee shall be paid in full when return is made.

Sec. 69. Delinquency. All license fees shall become delinquent on the first day of June of the year in which they are due and payable and a penalty of one dollar (\$1.00) shall be added to each unpaid license on and after said date.

Sec. 70. Publication. The county auditor shall, between the first and the twentieth day of May, cause to be published, once in each of the official papers of the county, a list of the names of all owners of unlicensed dogs as shown by a comparison of his license record and the assessors' returns, or as otherwise known by him.

Said publication shall notify each owner that he may appear before the auditor on or before May thirty-first (31) following, and, by affidavit show cause why the license fee, penalty, and costs should not be assessed against him as a tax, and no exemption from such taxation shall be granted by the auditor except on the affidavit of such owner, filed and preserved by the auditor.

Sec. 71. Cost of publication. The cost of publishing the list of delinquent owners shall be paid in full from the domestic animal fund, upon the filing of proper proofs.

Sec. 72. Penalties and costs. If the license is paid upon any dog after publication and before June first (1) there shall be collected in addition to the license fee the costs of publication. If such license is collected on or after June first (1), in addition to the license fee the auditor or treasurer shall collect a penalty of one dollar (\$1.00) and costs of publication.

Sec. 73. Certification of list. Immediately following said May thirty-first (31st), the auditor shall, except as to persons to whom he has granted exemption, certify to the county treasurer:

1. The name of the owner of each unlicensed dog.
2. The number of dogs so owned by said person and the sex thereof.
3. The amount of the unpaid license fee, plus a penalty of one dollar (\$1.00) for each dog, and a prorata part of the cost of publication.

Sec. 74. Entry of tax. On receipt of said certificate, the treasurer shall at once enter, as a tax, against each person the amount therein indicated as owing by him, and said tax shall be attended with the same consequences, and be collected in the same manner, as ordinary taxes.

Sec. 75. Penalties. The violation of any of the foregoing provisions of this chapter, or the removal of a license tag from a dog prior to the expiration of the license, by any person who is not the owner thereof or the agent of such owner, shall be punished by a fine of not exceeding fifty dollars (\$50.00), or by imprisonment not exceeding thirty (30) days.

Sec. 76. Duty to account. The auditor shall make prompt payment to the county treasurer of all funds received hereunder. The treasurer shall keep said funds, together with all tax collections as herein provided, as the domestic animal fund.

Sec. 77. Record book. The county auditor shall keep a book to be known as the record of license which shall show:

1. The serial number and date of each application for a license.
2. The description of dog as specified in the application, together with the name of the owner of said dog.
3. The date when each license tag is issued and the serial number of such tag.
4. The amount of all fees, licenses, penalties, and costs paid to him.
5. Such other data as the law may require.

Sec. 78. Forms. All forms for blanks and tags, including proper columns in the assessor's books in which to note the ownership of dogs, shall be prepared by the auditor. All such blanks and tags shall be furnished by the county.

Sec. 79. Taxation of dogs - municipal license. Dogs kept in kennels and not allowed to run at large shall be taxed as personal property. Dogs licensed as herein provided shall not be so taxed. Cities and towns may license dogs in addition to the license herein required.

Sec. 80. Dog as property. All dogs under three (3) months of age, and all dogs over said age and wearing a collar with a valid license tag attached thereto, shall be deemed property. Dogs not so provided with license tag shall not be deemed property.

Sec. 81. Right and duty to kill unlicensed dog. It shall be lawful for any person, and the duty of all peace officers within their respective jurisdictions, to kill any dog for which a license is required, when such dog is not wearing a collar with license tag attached as herein provided.

Sec. 82. Right to kill licensed dog. It shall be lawful for any person to kill a dog, licensed and wearing a collar with license tag attached, when such dog is caught in the act of worrying, chasing, mauling, or killing any domestic animal or fowl, or when such dog is attacking or attempting to bite a person.

Sec. 83. Liability for damages. The owner of any dog, whether licensed or unlicensed, shall be liable to the party injured for all damages done by said dog, except when the party damaged is doing an unlawful act, directly contributing to said injury. This section shall not apply to any damage done by a dog affected with hydrophobia unless the owner of such dog had reasonable grounds to know that such dog was afflicted with such malady, and by reasonable effort might have prevented the injury.

Sec. 84. Construction clause. A holding that one or more sections hereof are unconstitutional shall not be held to invalidate the remaining sections.

CHAPTER _____

DOMESTIC ANIMAL FUND

Sec. 85. Claims. Any person damaged by the killing or injury of any domestic animal or fowl by wolves, or by dogs not owned by said person, may, within ten (10) days from the time he or his agent has knowledge of such killing or injury, file, with the county auditor of the county in which such killing or injury occurred, a claim for such damage.

Sec. 86. Forms of claims. Claims aforesaid shall state the amount of damages, a detailed statement of the facts attending the killing or injury and be verified by affidavit of at least two (2) disinterested persons not related to claimant.

Sec. 87. Allowance of claims. The board shall act on such claims within a reasonable time, and allow such part thereof as it may deem just. When a claim is allowed, the value of each animal or fowl killed or injured shall be entered of record.

Sec. 88. Warrants and payment. Warrants for allowed claims shall be payable January first (1st) following their issuance and only from the domestic animal fund.

Sec. 89. Certified list of warrants. The auditor shall, on January first (1st) of each year, certify to the treasurer an itemized list of all warrants issued during the preceding year on the domestic animal fund, except warrants issued to pay fees of assessors and to defray costs of publication. If said fund be sufficient, the treasurer shall pay said warrants on presentation. If said fund be not sufficient, said warrants shall be paid pro rata.

Sec. 90. Transfer of funds. When the balance in the said fund, after paying the warrants aforesaid, exceeds five hundred dollars (\$500.00), the board of supervisors may order the excess transferred to the general fund of the county. If within five (5) years following such transfer, the amount in the domestic animal fund proves insufficient in any one (1) year to pay all duly allowed claims thereon, the board shall transfer from said general fund to the domestic animal fund an amount, not exceeding the amount originally transferred, sufficient to pay the unpaid part of said warrants.

Approved March 15, 1924.

CHAPTER 49

CONTESTING ELECTIONS

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